

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS**

68-0157 (9-06) - 3091078 - EI

RICHARD S HARRINGTON
Claimant

APPEAL NO: 15A-UI-05019-LDT

**ADMINISTRATIVE LAW JUDGE
DECISION**

LABOR READY MIDWEST INC
Employer

OC: 04/05/15

Claimant: Respondent (6)

871 IAC 26.8(1) - Withdrawal of Appeal

STATEMENT OF THE CASE:

An appeal was filed from a representative's decision dated April 17, 2015 (reference 02). A hearing was scheduled for June 5, 2015. This appeal was consolidated for hearing with one related appeal, 15A-UI-05020-DT. At the time for the hearing but in lieu of the hearing being held, the appellant requested the appeal be withdrawn. Therefore, there is no need for a hearing. Based on a review of the administrative file and the law, the administrative law judge enters the following findings of fact, reasoning and conclusions of law, and decision.

ISSUE:

Should the appellant's request to withdraw the appeal be granted?

FINDINGS OF FACT:

A request has been made by Labor Ready Midwest, Inc. (employer), the appealing party, to withdraw the appeal. The reason for the request is that the appeal is moot; there was a third decision also issued on April 17, 2015 (reference 03), which disqualified the claimant from eligibility until he earns ten times his weekly benefit amount. The claimant did not appeal that decision and has not yet requalified, so he is not currently eligible to receive unemployment insurance benefits, and in fact is not making weekly continued claims seeking benefits.

REASONING AND CONCLUSIONS OF LAW:

Rule 871 IAC 26.8(1) provides:

(1) An appeal may be withdrawn at any time prior to the issuance of a decision upon the request of the appellant and with the approval of the presiding officer to whom the case is assigned. Requests for withdrawal may be made in writing or orally, provided the oral request is tape-recorded by the presiding officer.

The request of the appealing party to withdraw the appeal should be approved.

DECISION:

The representative's decision dated April 17, 2015 (reference 02) is affirmed. The request of the appealing party to withdraw the appeal is approved, and there will be no hearing. The decision of the representative shall stand and remain in full force and effect. The claimant would be entitled to receive unemployment insurance benefits, provided he was otherwise eligible, but he is not.

Lynette A. F. Donner
Administrative Law Judge

Decision Dated and Mailed

ld/css